

INTRODUCTION

Background

This volume of the Yucca Mountain Repository Final EIS consists of responses to comments DOE received on the Draft EIS and Supplement to the Draft EIS. The public-comment and related processes for each document are described below.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

The U.S. Department of Energy (DOE, or the Department) issued the *Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250D) in July 1999 for public comment. The purpose of this environmental impact statement (EIS) is to assess potential impacts from the Proposed Action—to construct, operate and monitor, and eventually close a monitored geologic repository at Yucca Mountain—to provide the necessary background, data, and analyses to help decisionmakers and the public understand the potential environmental impacts. DOE announced the availability of the Draft EIS for public review and comment in the *Federal Register* on August 13, 1999 (64 *FR* 44217); this announcement began a 180-day comment period, which was scheduled to end on February 9, 2000. On February 8, 2000, DOE announced a 19-day extension to the public comment period to February 28, 2000 (65 *FR* 6192).

Commenters were invited to submit their comments by regular mail, electronic mail (E-mail), facsimile transmission (faxes), and at public hearings at 21 locations. In addition, DOE held a meeting with representatives of Native American tribes and organizations to solicit their comments. Figure CR-1 shows the locations and dates of the public hearings.

DOE received more than 11,000 comments on the Draft EIS from Federal agencies; state, local, and tribal governments; public and private organizations; and individuals. These comments were presented as recorded statements at the Native American meeting, recorded statements at the public hearings shown on Figure CR-1 (the statement of each speaker is a separate comment document), or in written documents submitted at those hearings or sent to DOE by regular mail, electronic mail, and facsimile.

This Comment-Response Document includes all of the comments on the Draft EIS that DOE received through August 31, 2001, and the DOE responses to those comments. DOE considered and evaluated comments received after August 31, 2001, and concluded that none had raised new issues not already captured in timely comments and already considered in the EIS analysis. For a number of topics, “summary comment responses” provide a single response to multiple comments on the same or related subjects.

As part of this Final EIS, DOE has included compact disks that contain electronic images of the certified transcripts of the Native American meeting and all public hearings held during the public comment period on the Draft EIS. These compact disks also contain electronic images of all comment documents (including transcripts for each commenter at the public hearings) that DOE received on the Draft EIS through August 31, 2001; these images include brackets that identify the comments to which DOE has responded in this Comment-Response Document. In addition, DOE has placed this material on the Internet site for the proposed Yucca Mountain Repository (www.ymrp.gov), and has placed copies in DOE Reading Rooms across the country.



Figure CR-1. Locations of public hearings on Yucca Mountain Repository Draft EIS and Supplement to the Draft EIS.

Tables CR-1 and CR-2 (at the end of this Introduction) provide pointers to all of the comments received through August 31, 2001, from organizations and individuals, respectively. These tables point to the locations in this Comment-Response Document where the reader can find particular comments and the DOE responses. On several occasions, speakers at public hearings represented other individuals. In such cases, the tables list the person who spoke at the hearing. Table CR-3 is a cross-reference from the comments and responses back to the commenter(s). This table identifies who made each comment and, for summary comments, the group of commenters.

SUPPLEMENT TO THE DRAFT EIS

In May 2001, DOE issued the *Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250D-S). The purpose of the Supplement was to present the latest repository design information and the corresponding environmental impact analyses. The U.S. Environmental Protection Agency (EPA) announced the availability of the Supplement for public review and comment in the *Federal Register* on May 4, 2001 (66 *FR* 22540); this announcement began a 45-day comment period, which was scheduled to end on June 25, 2001. On June 22, 2001, DOE extended the comment period to 57 days (May 4 to July 6, 2001) (66 *FR* 33534).

In June, during a review of its mailing records, DOE discovered that it had inadvertently not sent the Supplement to the Draft EIS to about 700 stakeholders who had requested and received a copy of the Draft EIS. The Department acknowledged this oversight (66 *FR* 34623, June 29, 2001), sent the Supplement to the Draft EIS to these stakeholders, and provided them an opportunity to submit comments during a separate 45-day comment period (June 29 to August 13, 2001).

DOE invited commenters to submit their comments on the Supplement by regular mail, electronic mail, facsimile transmission, and at public hearings held at the locations shown on Figure CR-1. In addition, DOE held a meeting with representatives of Native American tribes and organizations to solicit their comments.

In relation to the Supplement, DOE received more than 1,900 comments from Federal agencies; state, local, and tribal governments; public and private organizations; and individuals. Like the comments on the Draft EIS, the comments were presented as recorded statements at the Native American meeting, recorded statements at the public hearings on the Supplement shown on Figure CR-1 (the statement of each speaker is a separate comment document), or in written documents submitted at those hearings or sent to DOE by regular mail, electronic mail, and facsimile. DOE appreciates the time and effort of everyone who participated in this process.

This Comment-Response Document includes all the comments on the Supplement to the Draft EIS that DOE received through August 31, 2001. DOE has integrated these comments, as appropriate, with the comments it received on the Draft EIS. This Comment-Response Document provides the DOE responses to these comments. In addition, DOE has reviewed all comments received after August 31, 2001, for their potential to affect the analyses in the Final EIS and concluded that none had raised new issues not already captured in timely comments and already considered in the EIS analysis.

As mentioned above, Tables CR-1 and CR-2 list all of the comments received through August 31, 2001, from organizations represented and individuals, respectively. These tables point to the locations where the reader can find particular comments. Table CR-3 is a cross-reference from the comments and responses back to the commenter(s). This table identifies who made each comment and, for summary comments, the group of commenters.

As mentioned for the comments received on the Draft EIS, the compact disks provided with the Summary of this Final EIS contains complete images of all comments received on the Supplement through August 31, 2001. In addition, DOE has placed this material on the Internet site for the proposed Yucca Mountain Repository (www.ymmp.gov), and has placed copies in DOE Reading Rooms across the country.

HOW DOE CONSIDERED PUBLIC COMMENTS

DOE assessed and considered public comments on the Draft EIS and the Supplement to the Draft EIS, both individually and collectively. Some comments led to EIS modifications; others resulted in a response to explain DOE policy, to refer readers to information in the EIS, to answer technical questions, to further explain technical issues, to correct reader misinterpretations, or to provide clarification.

A number of comments provided valuable suggestions on improving the EIS. As applicable, the responses in this volume identify changes that DOE made to the EIS as a result of comments.

Methodology

Because of the large number of submittals (letters, e-mails, faxes, comment forms, public hearing transcripts) received during the public comment periods on the Draft EIS and the Supplement to the Draft EIS, DOE elected to extract and categorize comments and, as appropriate, group the same or similar comments for response. This approach enabled the Department to more efficiently consider, individually and collectively, all comments received on the Draft EIS and the Supplement, and to respond to those comments.

The following list highlights key aspects of the DOE approach to capturing, tracking, and responding to public comments on the Draft EIS and the Supplement:

- DOE read all comment documents and their attachments to identify and extract comments. As a part of this process, DOE reviewed technical attachments (e.g., reports) for potential applicability to the EIS. After comment identification, DOE grouped individual comments by categories (called *bins*) and assigned each comment to an expert in the appropriate discipline to prepare a response. Senior-level experts reviewed each response to ensure technical and scientific accuracy, clarity, and consistency, and to ensure that the response fully answered the comment.
- Frequently, more than one commenter submitted identical or similar comments. In such cases, DOE grouped the comments and prepared a single summary response for each group. Summarization of comments was also appropriate because of the large number of comments received.
- To the extent practicable, DOE presented the comments in this document by topic. Each comment-response pair, individual or summary, consists of three parts: (1) the number of the submitted comment document and the comment number, or for summary comments, the number of comments summarized, (2) the individual or summary comment, and (3) the response. While this Comment-Response Document is generally organized by topic, some comment documents dealt with multiple issues. DOE chose to identify the multiple issues as one comment and answer each element of the comment. For this reason, there are instances where comments and their responses address issues that are unrelated to the topic (that is, the Comment-Response Document chapter and section) to which the comment was assigned.
- To the extent practicable, this Comment-Response Document presents the comments extracted from comment documents as stated by the commenters. That is, with the exception of correcting obvious